

Bradford G. Hughes, Esq., SBN 247141  
Seta Sarabekian, Esq., SBN 299578  
**CLARK HILL LLP**  
555 South Flower Street, 24th Floor  
Los Angeles, CA 90071  
Telephone: (213) 891-9100  
Facsimile: (213) 488-1178  
bhughes@ClarkHill.com  
ssarabekian@clarkhill.com  
Attorneys for Defendants MARTEN  
TRANSPORT LTD  
and JERRY WAYNE DUDLEY JR.

OLIVIER A. TAILLIEU (SBN 206546)  
ot@bhattorneys.com  
JENNIFER BAGOSY (SBN 223145)  
jby@bhattorneys.com

**BD&J, PC**  
9701 Wilshire Blvd., 12<sup>th</sup> Floor  
Beverly Hills, CA 90212  
Telephone: (310) 887-1818  
Facsimile: (310) 299-7592

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

JOSE ZEPEDA ALCARAZ, an  
individual; MARIBEL ALCALA DE  
PEREZ, an individual,

Plaintiff,

v.

MARTEN TRANSPORT LTD, a  
corporation; JERRY WAYNE DUDLEY  
JR, an individual; and DOES 1 to 25  
inclusive,

Defendant.

Case No. 1:23-CV-00615-JLT-SKO

**THIRD STIPULATION AND ORDER  
TO MODIFY SCHEDULING ORDER**

(Doc. 34)

Assigned to: Hon. Jennifer L. Thurston  
Magistrate Judge: Hon. Sheila K. Oberto

Complaint Filed: March 9, 2023  
Trial: March 4, 2025

Pursuant to Rules 6(b) and 29(b) of the Federal Rules of Civil Procedure and  
Pursuant to Local Rule 143 Plaintiffs JOSE ZEPEDA ALCARAZ and MARIBEL  
ALCALA DE PEREZ ("Plaintiffs") and Defendants MARTEN TRANSPORT LTD and

JERRY WAYNE DUDLEY JR (“Defendants”) (collectively the “Parties”) hereby respectfully stipulate and request the Court amend the Scheduling Order (ECF No. 29) for good cause, and in support thereof would respectfully show the Court as follows:

On August 17, 2023, a Scheduling Conference was held; the Court set the following deadlines pursuant to Federal Rule of Civil Procedure 16 and Civil Local Rule 240:

Non Expert Discovery: June 14, 2024

Expert Disclosures: August 1, 2024

Rebuttal Expert Disclosures: August 29, 2024

Expert Discovery: September 27, 2024

These deadlines were amended on May 9, 2024 via Stipulation and Order as follows:

Non Expert Discovery: August 16, 2024

Expert Disclosures: September 26, 2024

Rebuttal Expert Disclosures: October 24, 2024

Expert Discovery: November 22, 2024

Plaintiffs previously requested a further amendment to the discovery cutoff dates as follows, which this Court granted:

Non Expert Discovery: September 16, 2024

Expert Disclosures: October 16, 2024

Rebuttal Expert Disclosures: November 14, 2024

Expert Discovery: December 12, 2024

Both parties now request a further amendment to the discovery cutoff as follows preceding the May 13, 2025 trial in this matter:

Non Expert Discovery: November 15, 2024

Expert Disclosures: December 16, 2024

Rebuttal Expert Disclosures: January 14, 2025

Expert Discovery: February 12, 2025

1  
2 Good cause exists to grant this joint stipulation and the Parties request this reset  
3 and amendment to the Scheduling Order for the following reasons:

4 The parties have also been diligently noticing and conducting depositions. Four  
5 depositions have been taken to date, with several more confirmed in August and early  
6 September. Plaintiffs have noticed 7 depositions, including 5 of non-parties. Defendants  
7 have noticed depositions of more than 20 witnesses, principally non-party medical  
8 providers and treaters of Plaintiffs.

9 However, the parties require additional time to complete fact discovery for the  
10 following reasons:

- 11 (1) Defendant Marten's Person Most Qualified has limited availability for  
12 Marten's deposition under Rule 30(b)(6), and has not been able to be deposed  
13 to date, nor will the PMQ be available for deposition before the current fact  
14 discovery cutoff of September 16, 2024;
- 15 (2) The PMQ deposition may lead to the need for Plaintiff to notice additional  
16 depositions of Marten employees;
- 17 (3) Defendants have subpoenaed and noticed the depositions of over 20 of  
18 Plaintiff's treating providers. (The parties may require the Court's input on the  
19 number of depositions appropriate for this case in the future as Plaintiffs will  
20 not stipulate to allow Defendants more than 12 depositions (2 more than the  
21 10 allowed by FRCP 30). However, as of the present date, only 2 of these  
22 depositions have been taken, and only 5 providers have confirmed their  
23 availability and scheduled depositions before the September 16, 2024 cutoff.
- 24 (4) Plaintiffs obtained contact information for several additional eyewitnesses to  
25 the subject accident from CHP Officer Aldrete's August 2, 2024 deposition.  
26 Plaintiff is diligently working to contact, locate and subpoena these witnesses;  
27 however, Plaintiff has not yet been able to successfully serve the three that  
28 Plaintiffs have located and noticed. There is insufficient time to locate them

1 all, provide the required notice, and secure their availability for a deposition to  
2 take place before September 16, 2024.

3  
4 A fact discovery continuance of 59 days is requested, as opposed to a shorter  
5 period of time, because Plaintiffs' counsels will be in a 3-4 week trial beginning in  
6 September 24, 2024 in a case filed in 2019.

7 The additional brief continuance may aid the facilitation of settlement, it will not  
8 cause any prejudice to the Parties or any third-party, and it is not requested for any  
9 improper purpose.

10 Dated: 8/12/2024

CLARK HILL LLP

11  
12 By: /s/ Bradford G. Hughes  
13 Bradford G. Hughes  
14 Seta Sarabekian  
15 Attorneys for Defendants MARTEN  
16 TRANSPORTS LTD and JERRY WAYNE  
17 DUDLEY JR.  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Dated: 8/12/2024

BD&J, PC

By: /s/ Jennifer Bagosy  
Olivier Taillieu  
Jennifer Bagosy  
Attorneys for Plaintiffs JOSE ZEPEDA  
ALCARAZ and MARIBEL ALCALA DE  
PEREZ

**ORDER**

Pursuant to the parties' foregoing stipulation (Doc. 34), and for good cause shown (*see* Fed. R. Civ. P. 16(b)(4)), the case schedule (Docs. 31 & 33) is MODIFIED as follows:

	<b>Previous Deadline</b>	<b>New Deadline</b>
Non-Expert Discovery	September 16, 2024	November 15, 2024
Expert Disclosures	October 16, 2024	December 16, 2024
Rebuttal Expert Disclosures	November 14, 2024	January 14, 2025
Expert Discovery	December 12, 2024	February 12, 2025
Non-Dispositive Motion Deadline <sup>1</sup>	Filing: December 13, 2024 Hearing: January 22, 2025	Filing: February 13, 2025 Hearing: March 26, 2025
Dispositive Motion Deadline	Filing: December 13, 2024 Hearing: January 17, 2025	Filing: February 20, 2025 Hearing: March 31, 2025
Deadline to Provide Proposed Settlement Conference Dates	February 12, 2025	By April 30, 2025, or 90 days before trial, whichever is later
Pre-Trial Conference	March 17, 2025	June 2, 2025
Trial	May 13, 2025	July 29, 2025

IT IS SO ORDERED.

Dated: **August 13, 2024**

*/s/ Sheila K. Oberto*  
UNITED STATES MAGISTRATE JUDGE

<sup>1</sup> Although the parties did not request an enlargement of the motion deadlines and pretrial and trial dates, such enlargement is necessary to allow the Court time to adjudicate motions and for the parties to prepare for trial.